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28 UNITED STATES DISTRICT COURT

1 NORTHERN DISTRICT OF CALIFORNIA

2 UNITED STATES OF AMERICA,

3 Plaintiff,

4 v.

5 M/V COSCO BUSAN, LR/IMO Ship No.
6 9231743, her engines, apparel, electronics, tackle,
7 boats, appurtenances, *etc.*, *in rem*, REGAL STONE
8 LIMITED, FLEET MANAGEMENT LTD., and
9 JOHN COTA, *in personam*,

10 Defendants.

11 Civil No. C07-6045 SC

12 (AND RELATED CASES)

13 IN ADMIRALTY

14 DECLARATION OF ROBERT N.
15 HILDEBRAND RE NON-PAYMENT OF
16 AMOUNTS DUE

1 Robert N. Hildebrand hereby declares as follows:

2 1. I am a Case Officer assigned to the United States Coast Guard, National Pollution
3 Funds Center, and am the Case Officer with certain responsibilities for tracking monies paid by and/or
4 due to the Oil Spill Liability Trust Fund with respect to the COSCO BUSAN incident. As a result, I
have personal knowledge of the matters hereinafter stated.

5 2. On February 20, 2008, a partial/interim demand was made to the Responsible Parties
6 by and on behalf of the United States Coast Guard ("USCG"), National Pollution Funds Center
7 ("NPFC"), Oil Spill Liability Trust Fund ("OSLTF"), for \$1,103,565.53. [Docket No. 56-2.] The
8 foregoing amount represents monies owed to the Fund by the Responsible Parties as a result of the
9 COSCO BUSAN incident. These monies did not and do not include additional amounts and debts
10 owed by the Responsible Parties as a result of the COSCO BUSAN spill, such additional amounts and
11 debts continuing to accrue.

12 3. On February 22, 2008, counsel for the Responsible Parties acknowledged receipt of the
13 foregoing partial/interim demand, as well as the binder of materials that contained the details and
14 itemization of the foregoing \$1,103,565.53. A true and correct copy of the February 22, 2008 letter
15 is attached hereto as Exhibit "A".

16 4. As of this date, and thus more than 90 days after the February 20, 2008 partial/interim
17 demand was made to the Responsible Parties, no part of the \$1,103,565.53 has been paid to the
18 OSLTF.

19 I declare under penalty of perjury, and in accordance with 28 U.S.C. § 1746, that the foregoing
is true and correct.

20 Dated: 25 JUNE 2008.

21 
22 ROBERT N. HILDEBRAND
23
24
25
26
27
28

02/22/2008 15:42 TEL 4159817.

KEESAL, YOUNG & LOGAN

002/003

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ALL OTHERS ADMITTED IN CALIFORNIA

February 22, 2008

Via Facsimile - (415) 436-6632

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Re: M/V COSCO BUSAN, LR/MO Ship No. 9281748
United States of America v. M/V COSCO BUSAN, in rem, et al.
N.D. Cal. - Civil No. C07-6045 SC
Our File No.: 2418-229

Dear Michael:

Thank you for your telefax and letter forwarding claims submitted by the United States. I confirm receipt of the claims binder forwarded with your letter.

As you know, pursuant to 33 USC Section 2713, the responsible party, Regal Stone Limited, has established a claim agency, therefore, I have forwarded the binder to that agency, Hudson Marine. I assume that Hudson Marine will review the claim and respond as appropriate.

With regard to a reservation of rights that you refer to in your letter, we can see no reason for doing so at this time. The responsible party has made no decision with regard to claims to the Oil Spill Liability Trust Fund. Such a decision will be made at a later date.

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02/22/2008 15:42 TEL 4159817

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003/003

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Attorney In Charge
February 22, 2008
Page 2

Re: M/V COSCO BUSAN, LR/MO Ship No. 9231743
United States of America v. M/V COSCO BUSAN, in rem, et al.
N.D. Cal. - Civil No. C07-6045 SC
Our File No.: 2418-229

In your letter, you appear to paraphrase our client's intent. I am somewhat confused by the quotations in your letter. During our various discussions I hope that I had made it clear to you that no decisions have been made by the Responsible Party with regard to recovery from any fund. I assume that the statements which you paraphrased in your letter are yours. They are not mine.

Also, I am perplexed by the statement in your letter that the Responsible Party must make reservations "explicitly." We are not familiar with such a requirement particularly with regard to your statement that if the Responsible Party fails to make "explicit" reservations then you would consider them "permanently to be *waived as a matter of fact and law.*"

I am not familiar with the facts or law you refer to in your letter. I would appreciate your providing us with a reference to the law which you cite and a brief statement of the facts which you rely on.

Very truly yours,



John D. Giffin

JDG:mpm (KYL_SF460176)
02/22/2008